

Attorney Docket Number: FSP0036
Title: EXPANDABLE SCAFFOLD WITH WHEEL LOCK
Application Number: 10/712,350

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REMARKS

In an office action mailed on 06/28/2005, claims 1,2, and 4 are rejected under 35 USC 102(b) as anticipated by Romano, US 3,250,344; claim 11 is rejected under 35 USC 102(b) as anticipated by Brewster, US 2,600,199; claim 4 is rejected under 35 USC 103(a) as unpatentable over Romano; claim 5 is rejected under 35 USC 103(a) as unpatentable over Romano in view of Wyse (incomplete citation provided); claim 3 is rejected under 35 USC 103(a) as unpatentable over Romano in view of Pierce, US 3,282,378; claim 6 is rejected under 35 USC 103(a) as unpatentable over Romano in view of MacDonald; US 1,737,315; claims 7-9 are rejected under 35 USC 103(a) as unpatentable over Brewster in view of Moller, US 3,820,190 and Benbow, US 2,359,284; claims 12-15 are objected to as substantial duplicates of claims 7-10; claim 10 would be allowed if written in independent form.

The citation to Wyse was incomplete; the applicant was unable to locate the cited reference for review and remarks. We respectfully request a more thorough citation if the Examiner continues to rely on Wyse.

Claim 4 is rejected under 35 USC 102(b) as anticipated by Romano; claim 4 is alternatively rejected under 35 USC 103(a) as obvious in light of Romano, without resort to a second reference. The applicant respectfully requests clarification, as it would appear that the 103(a) rejection in light of Romano alone is an acknowledgement that at least some of the material recited in claim 4 is not present in Romano, and hence the rejection under 35 USC 102(b) is improper.

Claims 12-15 are objected to as substantial duplicates of claims 7-10. No such alleged duplication is present in the new set of claims.

Claim 10 would be allowed if re-written in independent form. New claim 26 represents the aspects of cancelled claim 10 in independent form. The applicant therefore requests allowance of claim 26.

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New Claims Distinguished Over the Cited References

Claim 16 recites, *inter alia*, a scaffold including a platform assembly with at least one first shelf fixed to a first side of the scaffold and mounted to slide under at least one second shelf fixed to a second side of the scaffold, where the first shelf has side rails formed to slide into side sleeves of the second shelf.

Romano discloses a system having a platform assembly made of two channels, where one channel slides into another. Romano does not teach shelves having side rails, nor sleeves; the shelf formations of Romano do not qualify as "rails" or "sleeves" in the commonly understood sense of those terms. In Romano, the first section slides onto a lower flange-channel formed from the second section.

Brewster teaches the use of platform shelves, but the shelves slide next to one another, not one under the other. There is no teaching in Brewster of side rails or side sleeves for the shelves.

Claims 17 and 18 recite a locking mechanism to lock at least one side rail of the first shelf to at least one side sleeve of the second shelf. There is no teaching or suggestion in any of the references of locking slide rails to side sleeves of shelves of the scaffold platform.

Claim 19 recites that the first and second shelves are mounted to sleeves fitted over vertical legs, with locking mechanisms to secure the sleeves at different vertical locations along the legs. Romano simply teaches that the channels that make up the platform sit atop ladders. Brewster teaches that the platform may be raised or lowered using ropes, but not that the platform shelves are mounted to sleeves fitted over the legs. None of the cited references teach locking mechanisms to secure sleeves to which the shelves are mounted at different vertical locations along the legs.

Regarding claim 21, the applicant respectfully disagrees that it would have been obvious in light of Romano (or Brewster) to extend the flange of the side rail of the first shelf to enhance the supporting surface for the first shelf. Romano doesn't even

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teach that the first channel (e.g. the one sliding into the other one) includes a shelf supported by a flange of the first channel. Romano teaches that the first channel is supported by sliding it into the second channel. How then can it be obvious to extend a flange of a side rail of the first shelf, when no such flange is used to support a first shelf in Romano?

It inevitably follows that it would not be obvious in light of Romano to design a side sleeve of the second shelf with a gap through which the flange of the side rail of the first shelf protrudes. The first channel of Romano does not include a shelf supported by a flange of a side rail of the first shelf; how then can it be obvious in light of Romano to design the second channel with a side sleeve including a gap to accommodate a flange of the side rail of the first shelf? Such a gap would serve no purpose, as it would accommodate a flange for which there is no purpose.

A Cornered Rod and Pointed Aperature are Not Disclosed

Claims 23 and 24 recite that at least one leg of the scaffold includes a rod fitting through a caster aperture formed to pass the rod in limited orientations, where the rod comprising corners and the aperture comprises points. The office action fails to cite any references that disclose the use of such a cornered rod or pointed aperture, or even where the aperture passes the rod in limited orientations. The office action did not even address these claimed features. The applicant therefore requests that claims 23 and 24 should be immediately allowed. Certainly it would be inappropriate to issue any final rejection when the first office action failed to address these claimed aspects.

Conclusion

For at least the reasons provided, the present claims are distinguished and novel over the cited references, and should be allowed. Please allow all claims to issue.

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Respectfully submitted,

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